

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-1226V

UNPUBLISHED

CHARLIE DEE MASON,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 14, 2022

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Shoulder  
Injury Related to Vaccine  
Administration (SIRVA)

*Nancy Routh Meyers, Turning Point Litigation, Greensboro, NC, for Petitioner.*

*James Vincent Lopez, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION AWARDING DAMAGES**<sup>1</sup>

On September 18, 2020, Charlie Dee Mason filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered a shoulder injury related to vaccine administration (“SIRVA”) caused by an influenza vaccination administered on October 30, 2019. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 15, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation for a SIRVA. On November 9, 2022, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$92,500.00 for pain and suffering and \$9,809.35 for past unreimbursable expenses. Proffer at 2-3. Respondent also proffered that \$7,999.65 of the proffered compensation for past

<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

unreimbursable expenses is for a debt incurred to Cone Health Systems, and should be made jointly payable to Petitioner and Healthcare Receivables Group, the debt collector seeking payment on behalf of Cone Health Systems. *Id.* In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner:**

- A. a lump sum payment of \$94,309.70 in the form of a check payable to petitioner, Charlie Dee Mason; and**
- B. A lump sum payment of \$7,999.65 in satisfaction of her debt to Healthcare Receivables Group, in the form of a check payable jointly to petitioner<sup>3</sup> and to:**

Healthcare Receivables Group  
P.O. Box 10168  
Knoxville, TN 37939-0168

The Clerk of Court is directed to enter judgment in accordance with this decision.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Petitioner agrees to endorse this payment to Healthcare Receivables Group.

<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

On April 12, 2022, respondent filed a Vaccine Rule 4(c) report concluding that petitioner suffered an injury that is compensable under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§ 300aa-10 to -34, that is, a shoulder injury related to vaccine administration (“SIRVA”), as defined in the Vaccine Injury Table. Accordingly, on April 15, 2022, the Chief Special Master issued a Ruling on Entitlement.

### A. Pain and Suffering

### B. Past Unreimbursable Expenses

Evidence supplied by petitioner documents that she incurred past unreimbursable expenses related to her vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of **\$9,809.35**. *See* 42 U.S.C. § 300aa-15(a)(1)(B). **\$7,999.65** of the proffered compensation for past unreimbursable expenses is for petitioner's debt incurred for a right shoulder operation and a check in this amount should be

made jointly payable to petitioner and Healthcare Receivables Group, the debt collector seeking payment of this debt on behalf of Cone Health System.

The above amounts represent all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

## **II. Form of the Award**

Petitioner is a competent adult. Evidence of guardianship is not required in this case. The parties recommend that compensation provided to petitioner should be made through two lump sum payments described below, and request that the Chief Special Master's decision and the Court's judgment award the following:<sup>1</sup>

- A. A lump sum payment of **\$94,309.70** in the form of a check payable to petitioner; and
- B. A lump sum payment of **\$7,999.65** in the form of a check payable jointly to petitioner and:

Healthcare Receivables Group  
P.O. Box 10168  
Knoxville, TN 37939-0168

Petitioner agrees to endorse the check for satisfaction of her debt to Healthcare Receivables Group.

## **III. Summary of Recommended Payments Following Judgment**

Lump sum payable to petitioner, Charlie Dee Mason:	<b>\$94,309.70</b>
Lump sum payable to petitioner, Charlie Dee Mason, and Health Receivables Group:	<b>\$7,999.65</b>

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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future pain and suffering, and future lost wages.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO  
Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

TRACI R. PATTON  
Assistant Director  
Torts Branch, Civil Division

*s/ James V. Lopez*  
James V. Lopez  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 146, Ben Franklin Station  
Washington, D.C. 20044-0146  
Tel: (202) 616-3655  
Fax: (202) 616-4310  
Email: [james.lopez@usdoj.gov](mailto:james.lopez@usdoj.gov)

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